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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,304	04/10/2001	Michele R. DuPhily	MicroD-01	4100
26328	7590	08/28/2006	EXAMINER	
LAW OFFICE OF DAVID MCEWING P.O. BOX 231324 HOUSTON, TX 77023			FELTEN, DANIEL S	
		ART UNIT	PAPER NUMBER	
		3693		

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/832,304	DUPHILY, MICHELE R.	
	Examiner Daniel S. Felten	Art Unit 3693	

All participants (applicant, applicant's representative, PTO personnel):

(1) Daniel S. Felten. (3) \_\_\_\_\_.

(2) David McEwing (Reg. No. 37,026). (4) \_\_\_\_\_.

Date of Interview: 08/09/2006.

Type: a) Telephonic b) Video Conference  
c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: proposed amended claims (see attachment).

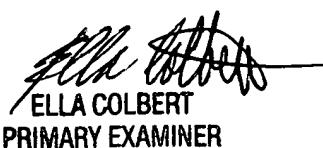
Identification of prior art discussed: Elgamal (US 6,138,107).

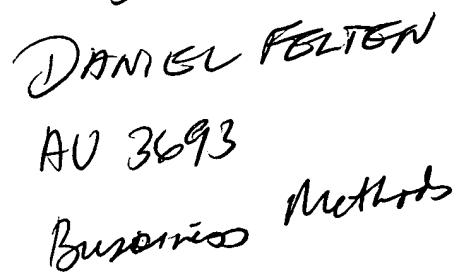
Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Discussed applicant's amendment to the claims. The examiner mentioned that the applicant consider the prior art as a whole as teaching the proposed amendment(s) and that such amendments may be readily rejected with applying a secondary reference under 35 USC 103 (a).

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

  
ELLA COLBERT  
PRIMARY EXAMINER

  
DANIEL FELTEN  
AV 3693  
Business Methods

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

## Summary of Record of Interview Requirements

### **Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record**

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### **Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)**

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### **Examiner to Check for Accuracy**

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

**FROM: Law Office of David L. McEwing, Patent Attorney**

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HOUSTON, TEXAS 77223

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**TO:** Daniel S. Felten

**Firm:** USPTO

**FAX No.** 571-273-6742

**Number of Pages (including cover)**

**DATE:** August 7, 2006

**RE:** Application No. 09/832,304

**COMMENTS:** Interview August 9, 2006

2:00 EST

The contents of this facsimile are intended solely for the listed recipient and may contain privileged and confidential information. In the event that this message is transmitted to you in error, please call my office at (713) 514-0137 for instructions. Your cooperation and courtesy will be greatly appreciated.

1. (Currently amended) A method of electronic payment comprising
  - a) A buyer purchasing a prepaid account of a stipulated amount from an account vendor wherein the buyer's name, credit card number, social security number or bank account or financial information is not recorded or revealed;
  - b) the buyer receiving an account identifier from the account vendor;
  - c) the buyer selecting goods and services for purchase from an seller;
  - d) the buyer tendering payment through debiting the prepaid account and crediting the amount to the seller; and
  - e) the seller obtaining verification from the account vendor that the account vendor will provide payment to the seller in the amount of the buyer's purchase.
2. (Currently Amended) The method of claim 1 further comprising the buyer receiving a tangible account card from the account vendor recording at least ~~one of the following categories of information, the account identifier and, the amount of the account, the account vendor and the means for a seller to verify payment for goods and service selected by the buyer.~~
3. (Original) The method of claim 2 wherein the account card received from the account vendor is machine readable.
4. (Original) The method of claim 2 wherein information contained on the account card can be electronically read and transmitted from the location of the seller to the account vendor for verification and confirmation of the account holder agreeing to pay the seller in the amount of the goods and services selected by the buyer.
5. (Currently Amended) An apparatus comprising an electronic machine readable device that can be encoded with an individualized identifier corresponding to a monetary account ~~maintained on an electronic database correlating the identifier and the apparatus contains no information regarding the holder,~~

Claims 6 through 10 cancelled

## COMPARISON OF 09/832,304 AND ELGAMAL (US 6,138,107)

The instant application provides for a completely anonymous electronic payment since personal information is never revealed or recorded in the establishment of the prepaid account. The prior art teaches recording this personal information but maintaining it generally confidential from the seller/merchant. The prior art does not teach an anonymous prepaid account.

The instant application states "Another advantage of the invention is that no personal information, including the buyer's name, credit card number, social security number or bank account or financial information need be recorded or revealed in the purchase or use of I-cards. The I-card vendor or vending devices needs only to receive payments for the I-card and transmit payment to the SVC issuing the I-card." (pg 6 of original disclosure)

"It will be appreciated that at no time during the series of steps and interchanges among the card vendor, the SVC, the buyer or the merchant is the identity of the buyer or the identity of any money accounts or banking information of the buyer disclosed. It will be appreciated that all of the steps or exchanges may be performed by electronic media without contact of any type among any of the parties (other than by electronic means such as the internet.)" (pg 4 of Preliminary Amendment)

In contrast, the Elgamal patent cited by the examiner states purchaser information is known. "The Payment Gateway includes a data base containing information on each merchant and each customer. Generally, the information in a customer data base is known to that customer, but is kept confidential from the merchant, while the information in the merchant's data base is known the merchant but is kept confidential from the customer." (Col 8, line 9 through 15).

Eigamal describes the contents of the customer data base to include: Customer name, Customer PG account number, Customer bank account numbers. This is the number of a bank account, credit card, or other identification of a bank account which the customer has specified that money can be taken from or sent to. (Col 8, line 46 to 67.)